THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3558 of 2006

Dated:24.02.2006

Between:

Vaddi Paparaju, S/o.Papaiah.

…Petitioner

And

The Revenue Divisional Officer-cum-Chairman, Land Record Tribunal, Ramachandrapuram.

…Respondents

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ORDER:

The petitioner purchased an extent of Acs.6.64 cents in R.S.Nos.43, 44 and 48 situated at Lingamparthy Village, Yeleshwaram Mandal in East Godavari District,

from one A.Seetharamaiah, and obtained possession on 15.04.1970. Be that as it is, the petitioner's vendor filed a declaration under Section 8 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act'). The Land Reforms Tribunal by order dated 21.01.1985 found the declarant to be surplus holder to an extent of 3.5187 standard holdings. Aggrieved by the same, an appeal was filed, which was allowed observing that the land, which was sold to the petitioner shall not be accepted for surrender. The State then preferred a revision before this Court, the same, being C.R.P.No.279 of 1992, was disposed of on 18.10.1995 directing the Land Reforms Tribunal to issue notice to the declarant under Section 10 of the Act for surrendering surplus land other than the land, which is governed by Ex.A-32-agreement admeasuring Acs.6.64 cents. Thereafter, a notice dated 20.04.2001 was issued by the Land Reforms Tribunal, respondent herein, calling upon the petitioner and his vendor to appear for enquiry. The petitioner sent a reply through his Counsel on 17.05.2001 informing that the declarant has to surrender the other land, which is not sold to him. Be that as it is, no orders then were passed. The respondent again issued the impugned notice dated 10.02.2006 bearing L.C.C.No.401/42V/75, calling upon the petitioner to appear before him for enquiry on 20.02.2006. Aggrieved by the same, the present Writ Petition is filed.

The learned Counsel for the petitioner vehemently contends that the petitioner purchased the land on an agreement of sale, which was marked as Ex.A-32 before the Land Reforms Tribunal. When this Court has categorically held that the petitioner's vendor has to surrender the other land to the Government, it is improper for the respondent to issue the impugned notice.

After perusing the various notices and the necessary material placed before this Court, I am unable to agree with the submission made by the learned Counsel for the petitioner that the impugned order/notice suffers from any illegality. It is only a notice to the petitioner, and he may always appear before the respondent and explain the position with reference to Ex.A-32 and also the order passed by this Court in C.R.P.No.279 of 1992.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

24.02.2006

vs